IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

OP.No. 21379 of 1999(T)

PETITIONER:

M.N. THAMBI, ASSISTANT DIRECTOR, INSTRUMENTATION SECTION NO. II, KERALA ENGINEERING RESEARCH INSTITUTE, PEECHI P.O., THRISSUR - 680 653.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.RESMI G. NAIR

RESPONDENTS:

1. STATE OF KERALA, REP. BY SECRETARY TO GOVERNMENT, IRRIGATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, IRRIGATION & ADMINISTRATION, THIRUVANANTHAPURAM.

3. MAYADEVI M.O., ASST. DIRECTOR, I.D. & R.B., VIKAS BHAVAN, THIRUVANANTHAPURAM.

4. M.T. VARGHESE, ASST. ENGINEER, IRRIGATION SECTION, THALASSERY.

5. VIJAYAN T., ASST. ENGINEER, C.A.D.A SECTION, KUTTIYADI IRRIGATION PROJECT, VADAKARA.

6. T.M. GEEVARGHESE, ASST. ENGINEER, C.A.D.A. SECTION NO. I/II, IRINGOLE P.O., PERUMBAVOOR.

BY GOVERNMENT PLEADER SRI. NOBLE MATHEW.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/02/2007 THE COURT, ON THE SAME DAY, DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF MEMO DT. 19-5-1990.

EXT.P2 TRUE COPY OF RANK LIST.

EXT.P3 JUDGMENT IN O.P.3410/1989 DATED 20-7-1993.

EXT.P4 COMMON JUDOGMENT IN O.P.NOS. 4287/84 AND 2071/1986.

EXT.P5 ORDER DT. 3-12-1990.

EXT.P5(a) RELEVANT EXTRACT OF APPENDED SENIORITY LIST OF ASST. ENGINEERS.

EXT.P6 REFERENCE DT. 18-3-1998.

EXT.P6(a) RELEVANT EXTRACT OF APPENDED SENIORITY LIST OF ASST. ENGINEERS.

EXT.P7 GOVT. LETTER DT. 20-3-1999.

EXT.P8 ORDER DT. 14-4-1999.

EXT.P8(a) RELEVANT EXTRACT OF APPENDED SENIORITY LIST OF ASST. ENGINEERS.

EXT.P9 LETTER DT. 23-4-1999.

EXT.P10 INTERIM ORDER IN O.P.11812/99 AND 1187/99 DT. 21-7-1999.

[TRUE COPY]

P.S TO JUDGE.

S. Siri Jagan, J.

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

O.P. No. 21379 of 1999

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

Dated this, the 14th February, 2007.

J U D G M E N T

The petitioner has filed this original petition inter alia for a declaration that directly recruited Assistant Engineers, who joined service after the petitioner as Assistant Engineers, are not entitled to get seniority over the petitioner on the basis of the advice of the Public Service Commission.

2. A batch of original petitions on the same issue, namely, O.P.Nos. 8890, 11187, 11812, 11981 & 22969 of 1999, were disposed of by the following common judgment:

> "Petitioners sought for a declaration that directly recruited Assistant Engineers in the service of the Kerala State Electricity Board, who joined service after the petitioners, are not entitled to get seniority over them on the basis of the date of advice by the Public Service Commission. The issue is squarely covered against the petitioners by the judgment dated 13-3-2002 in O.P.No. 17257/2000 by a learned Single Judge and by the Division Bench judgment dated 27-5-2005 in W.A.No. 1155/2002. The Bench decision is in respect of the very same subject matter under the Kerala State Electricity Board itself. The writ petitions are accordingly dismissed."

3. Since this original petition also raises the same issue, I am inclined to dispose of this original petition also in terms of that judgment. Accordingly, following that judgment this original petition is dismissed.

Sd/- S. Siri Jagan, Judge.

Tds/